

GENERAL INFORMATION

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INTRODUCTION

The California Department of Transportation (Caltrans), in an effort to improve communications for the traveling public and to generate revenue for the transportation system, is licensing Telecommunications Wireless Carriers (Carrier) to install and operate telecommunications facilities (Facility) on the properties owned by Caltrans for the operation of the State Highway System (SHS) and other transportation facilities.

CALTRANS' MISSION

The mission of Caltrans is to:

Provide the people of California with a safe, efficient and effective intermodal transportation system;
Plan, develop, maintain, and manage interregional transportation systems;
Assist and guide delivery of local and regional transportation services;
Provide leadership for California's transportation future by conducting research and development, and by formulating plans, programs, guidelines and standards; and
Be a good steward of its resources.

To perform its mission, Caltrans has under its control and management property located throughout the State of California that is used for the safe and effective operation of its transportation systems.

Caltrans shall maximize public and private multiple use of property held for transportation purposes, including rights of way, in concert with community needs and good land use planning, when it is deemed safe to do so. Many of the properties are capable of accommodating a secondary use without interfering with the operation and future expansion of the transportation corridor.

This includes making property available for an unmanned telecommunications (wireless) facility under the terms of a non-exclusive license agreement when the licensing of a site benefits the public and is consistent with the State's transportation programs and needs.

MISSION of TELECOMMUNICATIONS WIRELESS LICENSING PROGRAM

The purpose of the licensing program is to increase the mobility of voice and data information through an improved telecommunications infrastructure and to provide Caltrans with more efficient communications systems. The mission of the Telecommunications Wireless Licensing Program is to:

Provide an efficient method to transport data that will improve the public's ability to communicate.
Utilize Caltrans' owned assets to satisfy internal needs to establish a high tech network for communications.
Generate revenue by licensing the site for a wireless facility when there are no negative impacts to operations.

This mission statement is in concert with Executive Order W-18-91 issued by the Governor in October 1991, mandating that state agencies seek new opportunities to involve the private sector in maximizing the value of its real estate, and is supported by the Federal Highway Administration (FHWA), which finds this program to be consistent with the Federal Telecommunications Act of 1996 and the need to develop the future Intelligent Transportation System (ITS).

IMPLEMENTATION of the LICENSING PROGRAM

In September 1996, Caltrans determined it was in the best interest of the Department and the Telecommunications industry to open its properties held for transportation purposes for joint use of wireless services. (See Appendix A.)

Properties identified as potentially compatible for a secondary use are:

- Facilities outside the right of way area, such as office buildings and storage areas.
- Sites available for lease in the airspace inventory (parcels identified as having no impact on the operations or safety).
- Maintenance stations, equipment yards and storage lots.
- Park and Ride (P&R) lots, without reducing the number of spaces available for parking.
- State Roadside Rest Areas (SRRA), without impacting the ingress and egress of the traveling public.
- Structures and real property within access control if independent access is available and the facility can be installed, maintained and operated with minimal impact to internal operations and no impact on the safety of the traveling public.

A license may be granted for sites identified in the above listed properties when it is found safe, does not interfere with traffic or other transportation uses, and is visually unobtrusive.

The Master License Agreement (MLA) approved by the California Transportation Commission (CTC) on May 1, 1997 must be executed by any cellular or Personal Communications Services (PCS) carrier interested in licensing a site. The agreement standardizes the terms and conditions that will apply to all specific sites licensed to a carrier, with a Site License Agreement (SLA) describing the specific use and restrictions for each site. (See Appendix D.)

The full implementation of the licensing program includes a continuous review and evaluation of the policy, process, and agreements used to license a site, and of the market rates received as a result of the installation and operation of the Facility. All Caltrans programs in the districts and in Headquarters, and Carrier staff, including brokers and consultants, are encouraged to provide input as to the effectiveness of the licensing program.

AIRSPACE AUTHORITY

Caltrans has the legal authority to lease its property held for transportation purposes for a secondary use if such use does not interfere with the operation of the highway. S&H Code 104.12 states:

“The State Highway Department (Caltrans) may lease to public agencies or private entities for any term not to exceed 99 years the use of areas above or below state highways, subject to any reservations, restrictions, and conditions that it deems necessary to ensure adequate protection to the safety and the adequacy of highway facilities and to abutting or adjacent land uses. Prior to entering into any lease, Caltrans shall determine that the proposed use is not in conflict with the zoning regulation of the local government concerned. The leases shall be made in accordance with procedures to be prescribed by the commission except that in the case of leases with private entities, the leases shall only be made after competitive bidding unless the commission finds, by unanimous vote, that in certain cases competitive bidding would not be in the best interests of the State.”

The CTC Resolution G-97-06 authorizes Caltrans to license property to Carriers without competitive bidding when it is found that:

- the use of the property can accommodate this secondary use without interfering with the operation of the system or negatively impacting the safety of the traveling public.
- there is only one interested Carrier, or multiple Carriers proposing colocation, as evidenced by the submittal of one preliminary proposal.
- the Carrier has executed the standard MLA.
- the site license fee, cash only, is based on the Annual Base License Fee as set forth in the MLA, adjusted in accordance with the provisions therein.
- the use is non-exclusive in that colocation is required when feasible, without interfering with the existing Facility.

The process outlined below ensures that the licensing of sites for a Facility is consistent, fair, and equitable for all parties involved, and establishes a streamlined program that reduces costs and expedites the process of reviews and approvals.

PROPERTIES AVAILABLE for LICENSING to TELECOMMUNICATIONS WIRELESS CARRIERS

As previously identified in “Implementation of the Licensing Program,” properties available for licensing include: offices, maintenance yards, storage/equipment lots, park and ride facilities, roadside rests, land held for future and completed facilities, and properties used for roadways (i.e. expressways and freeways), including light poles, sound walls, directional signs, and structures to support elevated crossings. This program cannot license sites on conventional highways, which are under the jurisdiction of the District Permits Office.

The licensing of the properties requires independent access for the installation, maintenance, and operation of such facility. Exceptions may be granted if they do not interfere with Caltrans’ internal operations or impact the safety of the traveling public. The process to get an exception is established by the Design and Local Programs Program (DLPP), and is initiated at the District’s Permits Office.

INVENTORIES and MAPS

Listings of the various properties held for transportation purposes are available from the District Airspace Manager and/or the Telecommunications Licensing Program Manager. Inventories and/or listings available are:

- Asset Management (A/M) - inventory of all properties with “a facility” within or outside the access control line. Generally includes maintenance stations, park and ride facilities, roadside rest areas, office buildings, a limited number of airspace leases and most of the existing Caltrans operated telecommunications facilities.
- Airspace (A/S) - inventory of all properties within access control lines that are leased or are available for lease as identified by District Airspace.
- Excess Lands (EL) - lists all properties available for sale (or lease) that are no longer needed for a transportation facility.
- Maintenance Stations - lists all maintenance stations within or outside the access control line. Can also include equipment yards, maintenance shops, and storage lots.
- Park and Ride (P&R) lots - lists all park and ride lots within or outside the access control line.

- State Roadside Rest Areas (SRRA) - lists all roadside rest areas within the access control line.

It is important to note that there is no listing of all real property owned within access control (e.g. interchanges, light poles, directional signs, overcrossings). Also, as carriers obtain site specific longitude and latitudes when conducting radio frequency tests, future Caltrans listings will include these references under "Remarks."

Maps of the various properties held for transportation purposes are available to the Carrier as follows:

- Record maps of property within access control, available from District Right of Way Engineering, at a cost established by each district office for all public and private customers.
- Safety Roadside Rest Area Map entitled "Rest Area Ahead" available through the District Public Affairs office.

California State Highway Map identifies all the state highways that are under Caltrans' control, and is available through the District Public Affairs office or attached to the Master License Agreement (May 1997) as Exhibit B (but not included as an exhibit in this guidebook). Maps are available from each District Public Affairs office.

Other sources available include Caltrans' web site on the Internet. The address to view location maps is:

<http://www.dot.ca.gov/hq/row/tccw/tccw.html>

Specific parcel or site maps should be available on the Internet in mid-1998.

SHARED RESOURCES PROGRAM

There are seven situations for a Carrier to share property with Caltrans:

1. Sharing vault, antenna or tower space on a Caltrans-owned telecommunications facility on Caltrans property.

(Responsible Program: Maintenance's Telecommunications Unit)

2. Sharing vault, antenna or tower space on a Caltrans-owned telecommunications facility on property leased to Caltrans from another governmental entity, specifically for telecommunications facilities.

(Responsible Program: Maintenance's Telecommunications Unit)

3. Installing and managing a Facility on property leased to another private entity through Caltrans Office of Airspace Development, and sharing some of the vault, antenna, or tower space with Caltrans and/or other telecommunications providers.

(Responsible Program: Right of Way's Airspace Office)

4. Installing and managing a Facility on property (real and/or personal) owned by Caltrans, which includes:

- Sharing the tower with another carrier (sub-use).
- Sharing the tower and vault with another carrier (direct-use).
- Sharing the tower and vault with Caltrans (colocation with Licensor).
- Sharing the tower and vault with Caltrans in excess of the space reserved in the Master License Agreement (MLA).

(Responsible Program: Right of Way's Airspace Office)

5. Licensing the property (real and/or personal) owned by Caltrans and developing a multiple use type facility, when the Carrier acts as a Master Licensee and sublicenses the vault, antenna and tower space to other licensed telecommunications carriers (wireless). This includes network developers who wish to install a multiple use type facility.

(Responsible Program: Right of Way's Airspace Office)

6. Installing and managing a telecommunications facility on property (real and/or personal) leased by Caltrans, or when Caltrans' real property rights are through an easement.

(Responsible Program: Right of Way's Airspace Office)

7. Designing, constructing, installing, operating and maintaining a telecommunications network for Caltrans in return for using multiple sites within a corridor in lieu of a license fee. Caltrans will advertise the need for a system by way of a Request for Proposals.

(Responsible Program: Traffic Operations)

Note: Refer to "Implementation of the Licensing Program" for a description of the types of property held for transportation purposes that may be available for license.

This "Licensing Process and Siting Guidelines" for a Carrier applies only to situations #3, #4, #5, and #6 above. Sites will be made available for licensing (situations #3, #4, #5, and #6) in one of two ways:

1. Sites potentially suitable for a Facility will be marketed and advertised by the District Airspace Manager (Airspace) after the site is reviewed by the District Airspace Review Committee (DARC) to ensure there is no negative interference with Caltrans' operations and communications, and if there are communication needs that can be satisfied by sharing the facility, subject to the provisions of the MLA. Carriers respond directly to Airspace with their interest in licensing the site for a telecommunications use. If it is determined that the site can accommodate a secondary use, the site will be made available for licensing.
2. Carriers locate a site suitable for their needs that is either identified as property compatible for a secondary use per the inventory of Caltrans-owned properties, or not yet identified as a property compatible for a secondary use but which the Carrier believes could be compatible. The interested Carrier submits a letter to Airspace identifying the site and expressing an interest in installing a Facility, briefly describing the purpose and type of Facility. The DARC is convened to determine any potential interference with Caltrans operations and communications, and, if none, determines if Caltrans wants to exercise its right to share space on the tower subject to the provisions in the MLA. If it is determined that the site can accommodate a secondary use, the site will be made available for licensing.

TELECOMMUNICATIONS (WIRELESS) FACILITIES

For purposes of this licensing program, telecommunications (wireless) facilities (Facility) are specifically for cellular transmission and Personal Communications Services (PCS). It is anticipated that agreements with cell site developers will be available in the near future. Proposals for Enhanced Specialized Mobile Radio (ESMR) and paging facilities are currently handled by the Traffic Operations Program since these facilities will be allowed through a separate process.

Generally, the types of facilities that will be considered as an acceptable secondary use are:

- structures necessary to mount an antenna to a reasonable and approved height for transmission.
- structures necessary to house radio equipment.
- supporting equipment (i.e. air conditioning, generators).
- interconnecting cables for power and transmission.
- telephone cables and/or microwave dishes.
- ancillary improvements (i.e. fencing, foundations, security and warning devices, required markings).

There are restrictions on the use of batteries and generators that could create a hazardous condition for the traveling public and to the real property. Additionally, all proposals to use property underneath an elevated highway must include a Project Study Report (PSR) that evaluates the impact of the improvements on operations and safety.

ROLES AND RESPONSIBILITIES OF CALTRANS PROGRAMS

Since the approval of a Facility requires input from all impacted Caltrans programs, district and headquarters staff have a critical role in the review of all proposals submitted by Carriers. Whether staff are participating in the DARC or developing siting guidelines, their responsibility is to ensure that all program concerns and needs are addressed when approval for the installation and operation of a Facility is granted.

Traffic Operations Program (Traffic Ops): In addition to being the Project Manager for all shared resources in connection with multiple sites for a Caltrans network, Traffic Ops is a core member of the DARC, with responsibility to ensure the proposed Facility will not interfere with traffic flow nor adversely impact the safety of the traveling public. All requests to use the controlled access way for ingress and egress to the site for testing, installation, or maintenance must include Traffic Ops review and approval. Traffic Ops is also responsible for coordinating and developing the regional and statewide list of communication needs in relation to maintenance operations, traffic operations, and the Intelligent Transportation System (ITS).

Right of Way Program (HQ R/W): Responsible for the acquisition of all right of way for a proposed transportation project and the Program Manager for all real property functions within Caltrans.

Real Property Services (HK4): Responsible for all non-project delivery functions within Right of Way, i.e. Property Management, Excess Lands, and Airspace Development.

Office of Airspace Development (HQ A/S): Responsible for development and implementation of leasing all properties within access control that can accommodate a secondary use. In some cases, District Airspace will take the lead in leasing property outside of access control. The Caltrans Right of Way Manual's Airspace Chapter provides the basis for the policies and processes incorporated herein.

Right of Way's Telecommunications Licensing Project Manager (R/W Telecom): Responsible for administering and managing the site licensing aspect of this program, which includes establishing policies and procedures to review and approve proposals to install and operate wireless facilities, as well as the internal process to receive, track, and report on the revenues generated.

District Airspace Managers (Airspace): Responsible for reviewing and coordinating approval of the proposals submitted by Carrier, ensuring that the siting guidelines established by all impacted Programs within Caltrans are considered before a site is approved. In addition, Airspace will assist all Carriers in arranging for radio frequency and soil tests through the District Permits Office or other district programs. All reviews will ensure the proposal does not have a negative impact on the operation of the transportation system or affect the safety of the traveling public.

District Airspace Review Committee (DARC): Review and approval of all proposals to use Caltrans-owned property for a secondary use via a license agreement. Consists of all district representatives whose program is impacted by the proposed use, i.e. Traffic Operations, Project Development, Environmental, and Maintenance. The Maintenance Telecommunications Engineer is also a part of the team.

Office of Radio Communications Engineers (Telecom Engr): Headquarters based unit comprised of engineers that work in the districts with the responsibility to develop and manage all radio systems for Caltrans' internal communication needs. As a core member of the DARC, the Telecom Engr will review the potential impact on Caltrans' existing and planned telecommunications systems and other users in the area. There may be times when other concerns arise (e.g. FCC rules compliance) but for the most part the review will focus on these three areas:

1. Does the proposal pose an interference concern to any of Caltrans' present or future planned communications systems?
2. Does Caltrans have any present or future communications needs at the proposed site?
3. Does the proposal pose an interference concern to other users in the area (state agencies in particular)? If so, the Department of General Services Telecommunications Division will also need to review the proposal.

The Telecom Engr works directly with Traffic Operations in reviewing and updating Caltrans' needs on a district, regional, or statewide basis. The Telecom Engr will conduct any necessary intermodulation studies, which may include the need to involve Department of General Services Telecommunications Division (DGS), if the site is within interference range of a multi-use state system. Additional charges for DGS review will be billed directly to the Carrier and are not part of the administration fee.

Office of Landscape Architect (OLA): Landscape Architects are licensed professionals and are responsible for the review of all proposals to determine the impact on existing or planned landscaping, to provide input on aesthetics and visual impacts of the proposed facility, and determine if upgrades or replacement of plantings will be required as part of the review/approval of the Facility. Landscape Architects also review and approve Facilities on State Roadside Rest Areas (SRRA).

Environmental Program: The District Environmental Planners review the proposed Facility to determine whether the project could cause significant impacts to the environment (species habitat, cultural resources, water quality, historical landmarks, etc.). In making their independent assessment of project impacts, they ensure the information submitted addresses all California Environmental Quality Act (CEQA) and National Environmental Protection Act (NEPA) requirements.

Permits Office (Permits): District Permit Engineers are responsible for issuing all permits to use properties within access control and other properties as their policy dictates. They are the lead on all proposals to use conventional highways for a Facility. Permits maintains a file on all Facilities within access control for future maintenance and project development reference. Permits in Headquarters sets the policies and procedures for the issuance of encroachment permits to test, install and maintain Facilities.

Design and Local Programs Program (DLPP): Responsible for the development of siting guidelines and future use of properties held for transportation purposes. Requests to obtain an Encroachment Permit by Exception are processed through Permits in accordance with policies and procedures established by the DLPP.

Federal Highway Administration (FHWA): Since most properties and facilities used by Caltrans were acquired with federal funds, FHWA has final review/approval authority over all proposals for a secondary use, including: construction plans, environmental documents, colocation and assignments.

Special review by the FHWA will be required for all proposals within P&R lots to ensure the proposal will not impact the number of parking spaces available for commuters since special funding was obtained for these facilities. Documentation stating the P&R is not being used to full capacity could require the District to develop a plan to bring it to full capacity, or a request by FHWA to sell all or a portion of the facility with all proceeds to be returned to the federal account.

Note: See Appendix C for Caltrans representatives and phone numbers.